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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
SAUNDERS, PAUL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/727,015	RUSSON ET AL.	
	Examiner	Art Unit	
	Paul Saunders	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/02/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required

- Claim 18: There is no support in the specification for "the applied group tag being **a digital image of the plurality**." It is suggested to amend the specification or claim as necessary.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 1-17, 20-22, 24-28** rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,674,923 B1 to Shih et al. ("Shih").

As to **claim 1**, Shih discloses a method of associating digital images (fig. 1), the method comprising: tagging a digital image with a group tag 32 that identifies (col. 2 lines 40-42) the digital image as a member of a respective virtual film roll (VFR) group of digital images (col. 2 line 37, col. 3 lines 25-31 – a digital

file being a VFR which is a group of digital images that the digital image is associated with that has uniquely been identified).

As to **claim 2**, Shih discloses the method of associating of claim 1, wherein the respective VFR group is an upload event-based VFR group (fig. 14, col. 9 lines 6-10, col. 6 lines 48-51 – images uploaded from digital camera 110 to personal computer 70 constitute an uploaded group of images).

As to **claim 3**, Shih discloses the method of associating of claim 1, wherein the respective VFR group is a roll-based 64 VFR group (fig. 14, col. 3 lines 20-29, 49-60, col. 6 lines 13-51 – group of images obtained from a single roll).

As to **claim 4**, Shih discloses the method of associating of claim 1, wherein the group tag further orders (fig. 1, col. 3 lines 33-34, col. 4 lines 37 – each image has an associated number or index and further order relative to the other images in the group. The group tag provides the order because it is when the images are group tagged as in placed in the image file that they receive an index or order as part of the group tag) the digital image within the respective VFR group relative to other digital images of the respective VFR group.

As to **claim 5**, Shih discloses The method of associating of claim 1, further comprising storing the tagged digital image of the respective VFR group in an archive memory 94 (fig. 14, col. 7 lines 22-30).

As to **claim 6**, Shih discloses The method of associating of claim 5, wherein the tagged digital image is retrievable from the archival memory 94 using

the group tag (col. 4 lines 10-17, col. 10 lines 19-23), the group tag comprises data that distinguishes the digital image from other tagged digital images of the respective VFR group and further distinguishes the digital image from digital images in other VFR groups (fig. 1, 14, col. 6 lines 40-42 – a universally unique group tag identifier distinguishes each image and group from one another wherein the group tag includes the index).

As to **claim 7**, Shih discloses the method of associating of claim 1, further comprising: capturing a plurality of digital images before tagging (fig. 14, col. 6 lines 13-51 - items 64, 65, 110, and 106 indicate previously captured images); and grouping a set of the digital images of the plurality as the respective VFR group before tagging (col. 3 lines 29-31, col. 4 lines 33-36 – the group may contain all or less then all depending on a selection. Further, when considering that a group is all the images, the act of grouping a set of images occurs as early as capturing each image on a digital camera).

As to **claim 8**, Shih discloses the method of associating of claim 7, wherein capturing the plurality of digital images comprises digitizing an image and recording (fig. 14 108) the digitized image using a digital camera 110 (col. 9 lines 6-10).

As to **claim 9**, Shih discloses the method of associating of claim 7, wherein capturing the plurality of digital images comprises scanning (fig. 14 68) one or both of a negative (col. 6 lines 18-33) and a photograph from a roll of photographic film (col. 1 lines 30-31, col. 4 lines 36-44 – it is possible to scan an

original print being a photograph from a roll of film, even though it is lower quality then from the negative itself).

As to **claim 10**, Shih discloses the method of associating of claim 7, wherein each digital image of the respective VFR group is tagged with the group tag (fig. 1, is a unique identifier including the index number), the group tag further ordering (fig. 1, col. 3 lines 33-34, col. 4 lines 37 – each image has an associated number or index and further order relative to the other images in the group. The group tag provides the order because it is when the images are group tagged as in placed in the image file that they receive an index or order as part of the group tag) each digital image within the plurality relative to other digital images of the respective VFR group (fig. 1, col. 3 lines 33-34, col. 4 lines 37 – each image has an associated number or index and further order relative to the other images in the group. The group tag provides the order because it is when the images are group tagged as in placed in the image file that they receive an index or order as part of the group tag), such that each digital image of the respective VFR group comprises a unique group tag including data that distinguishes each digital image from others within the respective VFR group and that distinguishes from digital images of a different VFR group (fig. 1, 14, col. 6 lines 40-42 – a universally unique group tag identifier distinguishes each image and group from one another wherein the group tag includes the index).

As to **claim 11**, Shih discloses the method of associating of claim 10, further comprising storing the respective VFR group in an archival memory 94

(fig. 14, col. 7 lines 22-30) after tagging (col. 4 line 37 – tagging occurs when the digital file is created in which afterwards it is sent to the archive storage), each digital image of the respective group being separately retrievable (col. 4 lines 31-33, col. 10 lines 19-27) from the archival memory 94 using the unique (col. 1 lines 64-67) group tag for each digital image (fig. 1, col. 4 lines 10-13 – the index is part of the unique group tag for each image).

As to **claim 12**, Shih discloses a method of associating digital images, the method comprising: applying a group tag to a digital image (col. 4 line 37, col. 3 lines 25-31 – when the image is placed in the image file the image is thus tagged with the group tag), the group tag identifying the digital image with a respective virtual film roll (VFR) group (fig. 1, col. 3 lines 25-31), the digital image being a member of a set digital images related to one another either by being uploaded as a set during an upload event (fig. 14, col. 9 lines 6-10 – images uploaded from digital camera 110 to personal computer 70 may constitute an uploaded group of images) or by being created from a roll of photographic film (fig. 14, col. 3 lines 20-29, 49-60, col. 6 lines 13-51 – group of images obtained from a single roll).

As to **claim 13**, Shih discloses the method of associating of claim 11, wherein the group tag comprises data that distinguishes the digital image from other digital images of the respective VFR group and further distinguishes the digital image from digital images of other VFR groups (fig. 1, 14, col. 6 lines 40-42 – a universally unique group tag identifier distinguishes each image and group from one another wherein the group tag includes the index).

As to **claim 14**, Shih discloses the method of associating of claim 12, further comprising before applying: capturing the digital image (fig. 14, col. 6 lines 13-51 - items 64, 65, 110, and 106 indicate previously captured images); and grouping the captured digital image in the respective VFR group (col. 3 lines 29-31, col. 4 lines 33-36 – the group may contain all or less then all depending on a selection. Further, when considering that a group is all the images, the act of grouping a set of images occurs as early as capturing each image on a digital camera), wherein capturing comprises digitizing and recording one of the digital image (col. 9 lines 6-10) or one or both of a negative (col. 6 lines 18-33) and a photograph from the roll of photographic film (col. 1 lines 30-31, col. 4 lines 36-44 – it is possible to scan an original print being a photograph from a roll of film).

As to **claim 15**, Shih discloses the method of associating of claim 11, further comprising storing the respective VFR group in an archival memory 94 (fig. 14, col. 7 lines 22-30) after applying (col. 4 line 37 – tagging occurs when the digital file is created in which afterwards it is sent to the archive storage), wherein the digital image of the respective VFR group is separately retrievable from the archival memory using the group tag (col. 4 lines 31-33, col. 10 lines 19-27).

As to **claim 16**, Shih discloses an electronic device 62 that digitizes and stores images as digital images (col. 6 lines 16-30), the device comprising: a computer program, at least a portion of which is stored in the electronic device, the computer program comprising instructions that (col. 2 lines 32-46 – the electronic device 62 being a photofinisher with memory and processor embodies

the instructions necessary to operate the described method), when executed by means for controlling the electronic device, implement applying a group tag to a digital image captured by the electronic device (col. 2 line 37, col. 3 lines 25-31 – when the image is placed in the image file the image is thus tagged with the group tag), the group tag identifying the digital image with a respective virtual film roll (VFR) group of captured images (fig. 1, col. 2 lines 40-41 – the group tag is including the unique universal resource locator and the index of the image in the group).

As to **claim 17**, Shih discloses the electronic device of claim 16, wherein the group tag comprises data that distinguishes the respective VFR group of captured images from other groups of captured images, the group tag further distinguishing the digital image of the respective VFR group from other captured images of the respective VFR group (fig. 1, 14, col. 6 lines 40-42 – a universally unique group tag identifier distinguishes each image and group from one another wherein the group tag includes the index).

As to **claim 20**, Shih discloses the electronic device of claim 16, wherein the respective VFR group comprises a set of digital images uploaded together during a single upload event (col. 6 lines 28-30 – when the images are sent from the digital image scanner 68 to a memory section 70 this constitutes a single upload event).

As to **claim 21**, Shih discloses the electronic device of claim 16, wherein the respective VFR group comprises digital images created by scanning (fig. 14

68) one or both of negatives (col. 6 lines 18-33) and photographs (col. 1 lines 30-31, col. 4 lines 36-44 – it is possible to scan an original print being a photograph from a roll of film, even though it is lower quality then from the negative itself), the negative and photographs having been produced from a roll of photographic film.

As to **claim 22**, Shih discloses the electronic device of claim 16, further comprising: means for capturing an image (fig. 14 68); means for storing at least the portion of the computer program (fig. 14 72); and means for controlling the means for capturing and the means for storing (fig. 14 62).

As to **claim 24**, Shih discloses a digital image storage system comprising: an image digitizer 68; and an archival storage device 62, 82, wherein one or both of the image digitizer 68 and the archival storage device 62, 82 comprise at least a portion of a computer program, the computer program comprising instruction that implement applying a group tag to a digital image captured by the image digitizer (col. 2 lines 37, 32-46 – the archival storage 62, 82 with memory and processor embodies the instructions necessary to operate the described method), the group tag identifying the digital image with a respective virtual film roll (VFR) group of captured images (fig. 1).

As to **claim 25**, Shih discloses the storage system of claim 24, wherein the image digitizer is a digital camera 110 and the respective VFR group of captured images comprises a set of images uploaded from the digital camera 110 to the archival storage device 62, 82 during a single upload session (fig. 14 108, col. 9 lines 6-10 – the computer program resides on the archival storage

device 62, 82 wherein the single upload session occurs after loading the digital camera memory 102 into portion 62 wherein the group tagging and transfer to archival storage will occur).

As to **claim 26**, Shih discloses the storage system of claim 24, wherein the image digitizer is a scanning device 68, the respective VFR group comprising digital images produced by scanning one or both of negatives (col. 6 lines 18-33) and photographs from a roll of photographic film (col. 1 lines 30-31, col. 4 lines 36-44 – it is possible to scan an original print being a photograph from a roll of film, even though it is lower quality then from the negative itself).

As to **claim 27**, Shih discloses the storage system of claim 24, wherein the computer program further comprises instructions that implement one or more of capturing a plurality of digital images with the image digitizer (col. 6 line 26-28), grouping captured digital images with the respective VFR group of captured images (col. 3 lines 25-34), and storing the respective VFR group in the archival storage device 82 (fig. 14, col. 7 lines 22-30), the group tag facilitating retrieval of any digital image of the respective VFR group from the archival storage device (col. 4 lines 10-17, col. 10 lines 19-23).

As to **claim 28**, Shih discloses a digital image storage system comprising: means for capturing digital images 68; and means for storing digital images (fig. 14 72, col. 7 lines 28-30), wherein one or both of the means for capturing and the means for storing comprise at least a portion of a computer program (fig. 14 – means for capturing and storing are both in the same device), the computer

program comprising instructions that implement grouping the digital images as a respective virtual film roll (VFR) group (col. 2 lines 37, 32-46 – the archival storage 62, 82 with memory and processor embodies the instructions necessary to operate the described method) and applying a group tag to the digital images of the respective VFR group (col. 2 line 37 – tagging occurs when the digital image is placed in the digital file) in response to one or both of uploading the digital images to the means for storing and scanning a group of images (col. 6 lines 26-30, 46-51), the group tag identifying the digital images with the respective VFR group.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claim 18, 19, 23, 29, 30** rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,674,923 B1 to Shih et al. ("Shih"), in further view of U.S. Patent No. 6,681,061 B2 to Agata et al. ("Agata").

As to **claim 18**, Shih discloses the electronic device of claim 16, wherein the computer program further comprises instructions that implement capturing a plurality of digital images with the electronic device (col. 6 line 26-28).

Shih does not expressly disclose the digital image having the applied group tag being a digital image of the plurality.

Agata discloses the digital image having the applied group tag (page 3 [0054]) being a digital image of the plurality 803 (fig. 8, page 4 [0079-0080]).

Shih and Agata are analogous art because they are from the same field of endeavor namely digital image management including grouping and retrieval.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous group tag to further include a created image of the group as representative of the group images as taught above by Agata. The motivation would have been to aid in the ease of management of a large number of digital files (Agata page 1 [0016]).

Therefore it would have been obvious to combine Shih and Agata to obtain the above modifications.

As to **claim 19**, Shih discloses the electronic device of claim 18, wherein the instructions that apply the group tag further apply the group tag to each digital image of the plurality of digital images (col. 4 line 37 – when the image is placed in the image file the image is thus tagged with the group tag), the group tag for each digital image within the respective VFR group being unique (col. 2 lines 40-42), such that each digital image is distinguishable from one another in the respective VFR group as well as being distinguishable from other groups of captured images (fig. 1, 14, col. 6 lines 40-42 – a universally unique group tag

identifier distinguishes each image and group from one another wherein the group tag includes the index).

The same motivation is used here as is used in the parent claim.

As to **claim 23**, Shih discloses the electronic device of claim 16 implemented as one or more of a scanner 62, a multifunctional machine (scans, prints, uploads, reads multiple media) that includes a scanning function 62, and an image digitizer and recorder 62.

Shih does not expressly disclose the electronic device of claim 16 implemented as one or more of a digital camera, and a digital video camera.

Agata discloses the electronic device of claim 16 implemented as one or more of a digital camera, and a digital video camera (col. 10 lines 46-51).

Shih and Agata are analogous art because they are from the same field of endeavor namely digital image management including grouping and retrieval.

It would have been obvious to one skilled in the art at the time of the invention to modify the previous digital image management device to be incorporated into a digital camera or digital video camera as taught above by Agata. The motivation would have been to further enable identification of the group where a desired image is located (Agata col. 1 lines 60-65).

Therefore it would have been obvious to combine Shih and Agata to obtain the above modifications.

As to **claim 29**, Shih discloses the storage system of claim 28, wherein the means for capturing comprises one or more of a scanner 62, a multifunctional

machine (scans, prints, uploads, reads multiple media) including a scanning function 62, and an image digitizer and recorder 62.

Shih does not expressly disclose the storage system of claim 28, wherein the means for capturing comprises one or more of a digital camera, a digital video camera.

Agata discloses the electronic device of claim 16 implemented as one or more of a digital camera, and a digital video camera (col. 10 lines 46-51).

Shih and Agata are analogous art because they are from the same field of endeavor namely digital image management including grouping and retrieval.

It would have been obvious to one skilled in the art at the time of the invention to modify the previous digital image management device to be incorporated into a digital camera or digital video camera as taught above by Agata. The motivation would have been to further enable identification of the group where a desired image is located (Agata col. 1 lines 60-65).

Therefore it would have been obvious to combine Shih and Agata to obtain the above modifications.

As to **claim 30**, Shih discloses the storage system of claim 28, wherein the means for storing digital images comprises one or more of a personal computer 94 (fig. 14 – image mass memory 94 may be used as a personal computer), a disk drive 94, a file server 94, a network disk drive 94, an internet file storage site 82 and an archival storage device 94.

Shih does not expressly disclose the storage system of claim 28, wherein the means for storing digital images comprises one or more of a personal computer, a disk drive.

Agata discloses the storage system of claim 28, wherein the means for storing digital images comprises one or more of a personal computer (col. 10 lines 46-51), a disk drive 2, 3 (col. 6 lines 48-59).

It would have been obvious to one skilled in the art at the time of the invention to modify the previous storage hardware to store images on a personal computer or disk drive as taught above by Agata. The same motivation is used here as is used in claim 29.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent Application No. 2003/0189652 A1 of Takayama applies to claim 18, specifically fig. 8, 803, page 3 [0054], page 4 [0079-0080].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Saunders whose telephone number is 571.270.3319. The examiner can normally be reached on Mon-Thur 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571.272.3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/

8/31/07

DERRICK W. FERRIS
SUPERVISORY PATENT EXAMINER